



PETITION, DECLARATION AND POWER OF ATTORNEY

This is a new declaration in compliance with 37 C.F.R. 1.67(a) being submitted to correct an earlier filed declaration pertaining to U.S. Patent Application Serial No. 08/421,858 filed on April 14, 1995.

We, Harrison G. Purvis and Tony R. Matthews, declare that we are citizens of the United States of America whose residence addresses are: Rt 1, Box 238D, Holly Springs, North Carolina 27540 and 5316 Cross Holt Road, Holly Springs, North Carolina 27540 respectively; that we have reviewed and understand the foregoing specifications and claims and we verily believe that we are the original, first and joint inventors of the TEMPORARY GUARD RAIL SYSTEM described and claimed therein; that we do not know and do not believe that this invention was ever known or used before our invention thereof, or patented or described in any printed publication in any country before our invention thereof, or more than one year prior to this application, or in public use or on sale in the United States more than one year prior to this application; that this invention has not been patented or made subject to an Inventor's Certificate issued before the date of this application in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months before the filing of this application.

We acknowledge our duty to disclose and file in this application information of which we are aware which is material to the examination of this application in accordance with 37 CFR 1.56(a) and that no application for patent or Inventor's Certificate on this invention has been filed by us or our representatives or assigns in any country foreign to the United States.

We declare further that we are independent inventors and have (1) not assigned, granted, conveyed or licensed this invention, and (2) are under no obligation under contract or law to assign, grant, convey or license any rights in this invention to any person who could not likewise be classified as an independent inventor under 37 CFR

1.9(c) if that person had made this invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a non-profit organization under 37 CFR 1.9(e).

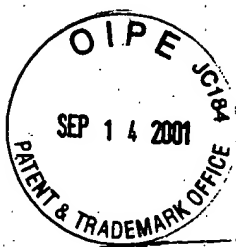
We acknowledge the duty to file in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)). The undersigned Petitioners declare additionally that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon. And we hereby appoint John G. Mills of John G. Mills and Associates, whose office is located at 853 Wake Forest Business Park, P. O. Box 587, Wake Forest, North Carolina 27588-0587, Registration Number 20,563, our attorney to prosecute this application and to transact all business in the Patent Office connected therewith. Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in said specification and claims and we verily subscribe our names to the said specification and claims, declaration, power of attorney and this petition.

Date 7/10/96 Harrison G. Purvis

Harrison G. Purvis

Date 7/2/96 Tony R. Matthews

Tony R. Matthews



08/421858

LAW OFFICES
JOHN G. MILLS AND ASSOCIATES
PATENT ATTORNEYS

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NORTH CAROLINA
WAYNE COUNTY

FOREWENT

THIS AGREEMENT made this 15th day of March, 1995 by and between TONY R. MATTHEWS and HARRISON G. PURVIS. In consideration of the mutual covenants contained herein and the actions to be taken by each party set forth herein, the parties agree as follows:

Harrison G. Purvis
Tony Matthews
Tony R. Matthews sells, assigns and transfers to Harrison G. Purvis all right, title, and interest he has or might have in that invention known as Guardrail Systems, Trade Name, Safety First Guardrail Systems. He also gives up any rights he might have to the patent for that invention now and in the future.

Tony R. Matthews further agrees upon the request of Harrison G. Purvis to provide Harrison G. Purvis promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents in foreign countries as may be known and accessible to Tony R. Matthews and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to Harrison G. Purvis or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue or enforce said application, said invention and said Letters Patent and said equivalents thereof in any foreign country which may be necessary or desirable to carry out the purposes thereof.

In exchange for the above, Harrison G. Purvis shall pay Tony R. Matthews the sum of Fifty thousand and no/100's (\$50,000.00) within thirty (30) days of the date of this Agreement.

This the 15th day of March, 1995.



Tony Matthews
TONY MATTHEWS

Harrison G. Purvis
HARRISON G. PURVIS

NORTH CAROLINA
Wake COUNTY

I, a Notary Public of the County and State aforesaid, certify that TONY MATTHEWS, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 15th day of March, 1995.

My Commission Expires: 8/21/99

Don B. Farley
Notary Public

NORTH CAROLINA
Wake COUNTY

I, a Notary Public of the County and State aforesaid, certify that HARRISON G. PURVIS, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 15th day of March, 1995.

My Commission Expires: 8/21/99

Don B. Farley
Notary Public

MCLEOD, HARRISON & HARROP

P.O. BOX 943

DUNN, NORTH CAROLINA 28335-0943

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PTO/SB/52 (02-01)
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REISSUE APPLICATION DECLARATION BY THE ASSIGNEE		Docket Number (optional) 24104A
I hereby declare that: My residence and mailing address and citizenship are stated below next to my name. I am authorized to act on behalf of the following assignee: <u>Harrison G. Purvis</u> and the title of my position with said assignee is: _____ The entire title to the patent identified below is vested in said assignee.		
Name of Patentee(s): <u>Purvis et al.</u>		
Patent Number <u>5,842,685</u>	Date of Patent Issued <u>December 1, 1998</u>	
Title of Invention <u>TEMPORARY GUARD RAIL SYSTEM</u>		
I believe said patentee(s) to be the original, first and sole/joint inventor(s) of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled _____ <u>TEMPORARY GUARD RAIL SYSTEM</u> the specification of which <input checked="" type="checkbox"/> is attached hereto. <input type="checkbox"/> was filed on _____ as reissue application number _____ / _____ and was amended on _____ (If applicable) I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56. I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.) <input type="checkbox"/> by reason of a defective specification or drawing. <input checked="" type="checkbox"/> by reason of the patentee claiming more or less than he had the right to claim in the patent. <input type="checkbox"/> by reason of other errors. At least one error upon which reissue is based is described as follows: Applicant's previous attorney failed to appreciate the contribution and scope of Applicant's invention and failed to claim the scope of what Applicant was entitled to claim. Applicant's previous attorney allowed claims to issue which were too narrow. Applicant submits [Attach additional sheets, if needed.] that such errors arose All errors corrected in this reissue application arose without any deceptive intention on the part of the without any applicant. deceptive intent.		

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Burden Hour Statement: This form is estimated to take 0.5 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PTO/SB/52 (02-01)

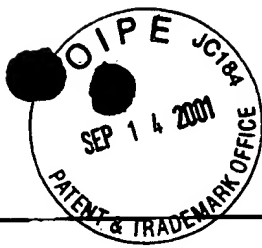
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REISSUE APPLICATION DECLARATION BY THE ASSIGNEE				Docket Number (Optional) 24104A	
I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.					
Name(s)		Registration Number			
Jeffrey S. Whittle		Reg. No. 36,382			
Mark R. Malek		Reg. No. 46,894			
Correspondence Address: Direct all communications about the application to:					
<input type="checkbox"/> Customer Number		<div style="border: 1px solid black; width: 150px; height: 20px;"></div>		<div style="border: 1px solid black; padding: 5px; text-align: center;">Place Customer Number Bar Code Label Here</div>	
		Type Customer Number Here			
OR					
<input checked="" type="checkbox"/> Firm or Individual Name	Jeffrey S. Whittle				
Address	Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.				
Address	P.O. Box 3791				
City	Orlando	State	FL	Zip	32802-3791
Country	U.S.				
Telephone	(407) 841-2330	Fax	(407) 841-2343		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.					
Full name of person signing (given name, family name) Harrison G. Purvis					
Signature <i>Harrison G. Purvis</i>				Date 9/10/01	
Address of Assignee Rt. 1, Box 238D, Holly Springs, NC 27540					
Patentee Harrison G. Purvis				Citizenship U.S.	
Residence/Mailing Address Rt. 1, Box 238D, Holly Springs, NC 27540					
Patentee Lonnie E. Arnold, Jr., Tony R. Matthews				Citizenship U.S.	
Residence/Mailing Address					
<input type="checkbox"/> Additional Patentees are named on separately numbered sheets attached hereto.					

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Docket Number

REISSUE APPLICATION DECLARATION BY THE ASSIGNEE

24104A

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Patentee

Citizenship

Tony R. Matthews

U.S.

(Signature)

Residence/Mailing Address

5316 Cross Holt Road
Holly Springs, N.C. 27540

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